

REMARKS

Reconsideration of this application, as amended, is respectfully requested. In light of the amendments made above and the comments which follow, it is believed that all other issues are removed and that this application is in condition for passage to allowance.

Status of All of the Claims

Upon entry of this submission, claims 27-44 will be pending and under consideration.

All present claim amendments find sufficient support in the original disclosure. Causing a full occlusion of the vascular vessel is described in the original disclosure including, for example, at page 28, lines 23-25. The use of harvested materials as claimed is described throughout the original disclosure including, for example, the specification text spanning from page 9, line 8 to page 10, line 6. Additional support is found throughout the original disclosure. No new matter is introduced by the present claim amendments.

Claim Rejections – 35 U.S.C. § 102

Claims 27, 29, 31-33, 38, 40, 42-44 stand rejected under 35 U.S.C. §102(e) as being anticipated by Babbs et al., U.S. Patent 6,475,232. This rejection is traversed.

Claim 27 has been amended to clarify that the claimed device is delivered to the vessel so as to cause a full occlusion and full blockage of the vascular vessel. Babbs does not teach or suggest this process.

A common definition for the term “occlude” is “to close, obstruct, or prevent the passage.” (See e.g., attached definition obtained from MedicineNet.com at

<http://www.medterms.com/script/main/art.asp?articlekey=20657>). This definition is compatible with Applicants use of the term in the application. At the time of filing, one skilled in the art would have understood the term to have such a meaning.

Thus, one can conclude that the phrase “to fully occlude” essentially means to fully close, to fully obstruct, or to fully prevent the passage.

For Babbs to be anticipatory, it would have to teach that the blood vessel becomes fully occluded (i.e., blood is fully prevented from passing through the vessel). However, as previously pointed out by the Examiner, the deployed stent devices taught by Babbs are designed to keep the blood vessel lumen open, thereby permitting blood to flow through the lumen. Thus, even though the deployed stent device might “cover” the inner walls of the blood vessel lumen (i.e., 360 degrees), blood is able to flow through the vessel lumen, because there is a large, central channel extending through the device along its entire length. It is hollow. No reasonable interpretation of the claim language “full occlusion and full blockage of the vascular vessel” could possibly encompass the acts in Babbs.

Thus, it is clear that permitting passage through the vessel is the polar opposite of fully occluding the vessel. For at least these reasons, Babbs does not anticipate the subject matter of any of claims 27, 29, 31-33, 38, 40, 42-44. Withdrawal of these rejections is therefore solicited.

Claim Rejections – 35 U.S.C. § 103

Claims 37, 39 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Babbs et al. U.S. Patent 6,475,232 in view of Li, U.S. Patent 5,512,291. For at least the reasons

stated above, the Babbs et al. reference does not render any of the pending claims obvious. Moreover, the Li reference does not add anything to overcome the shortfalls of the Babbs reference. In fact, to do so would completely undermine the function of the Babbs structure, which is a strong determinant against this or any other combination including Babbs. Therefore, withdrawal of this rejection is solicited.

Conclusion

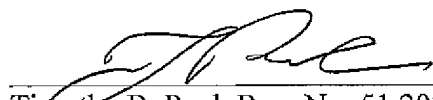
In view of the foregoing, reconsideration and withdrawal of all outstanding rejections, and passage of this application to allowance, are solicited.

Request for Interview

In the event that the Examiner finds any reason that the application cannot be allowed in its present form, the Applicant wishes to conduct an interview with the Examiner prior to any next Office Action in order to provide an opportunity for coming to agreement upon allowable claims. To arrange the interview, the Examiner should call the undersigned attorney at the telephone number given.

Respectfully submitted,

By


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